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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,593	07/25/2008	Brian Roundtree	710078002US1	9896

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EXAMINER	
D AGOSTA, STEPHEN M	
ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
04/23/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com

Office Action Summary	Application No.	Applicant(s)	
	10/589,593	ROUNDTREE ET AL.	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 March 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,14-20,28 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7, 14-20 and 28-29* is/are rejected.

7)☒ Claim(s) *6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 July 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group 1 claims in the reply filed on 3-30-2010 is acknowledged.

1. Group 1 has been elected, all other claims are cancelled from prosecution.
2. There is no connection between the auto-updating, application execution and help button.
3. There is no double patenting rejection with regard to other patents (or pending applications) from this applicant.
4. The IDS's have been formally signed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7, 14-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Ishigaki and further in view of Stuckman and {Allard ***or*** Jarnstrom}.

As per **claims 1 and 14,** Ishigaki teaches a portable wireless telecommunication apparatus for exchanging communications with a wireless network (figure 1), the apparatus comprising:

a display screen (figures 1 and 3);

at least one input device that includes a four-way joystick or keypad (figure 1 shows a keypad);

a radio (figures 1 and 2 show the radio/transceiver section);

memory (figure 2 shows memory #26); and

a processor (figure 2 shows a controller coupled to all components) coupled to the display screen, input device, radio, and memory, wherein the processor is programmed to:

automatically gather information from the wireless network AND automatically display the gathered information on the display screen AND automatically gather additional information from the wireless network AND automatically update the display on the display screen with the gathered additional information without input from a user to request updating of the display (figure 3 shows a "home screen" where various automatically received-and-displayed information is displayed to the user, eg. at least DATE, DAY and TIME. It is also well known to display if on a HOME/VISITED network and even the SERVICE PROVIDER NAME. Figure 3 also shows a SELECT button to select the various apps/capabilities);

display multiple icons or commands associated with functions of at least one application executed on the wireless telecommunication apparatus, wherein the multiple icons or commands are displayed in a horizontal row or vertical column on the display screen (Figure 3 shows multiple ICONS displayed in both vertical and horizontal fashion);

in response to user actuation of the four-way joystick or keypad and selection, highlight and select one of the multiple icons or commands AND execute the function associated with the selected one of the multiple icons or commands (Figure 3 shows selecting an INCOMING CALL while Figures 4a-d and Figure 5 show the user having selected the EMAIL Function);

but is silent on wherein the wireless telecommunication apparatus includes an input button, coupled to the processor, for initiating a customer support call or local help function when the user actuates the input button.

Stuckman teaches a wired/wireless telephone with a HELP KEY/Function (Abstract, figure 1 and C8, L30-35) whereby the user can retrieve HELP information from either the phone's memory or from a server (see figures 2-3).

Furtherermore, two other pieces of prior art show use of HELP and Auto-received network data:

a. **Allard** teaches a mobile phone/communicator that has a display and keypad user interface along with various other buttons to include a specific HELP button (figures 4a-4b, #112).

b. **Jarnstrom** teaches a mobile phone that can automatically receive and display network--received information such as SERVICE PROVIDER and SIGNAL STRENGTH (see figure 1 and figure 3a Top-Most diagram show Signal Strength #34 and Service Provider currently connected to #40). Note that Jarnstrom teaches Soft Keys such as MENU, NAMES and OPTIONS (figures in 3a) which can be used to choose various functions such as HELP as well (or directory, applications, calendar, camera, etc. as is well known).

It would have been obvious to one skilled in the art at the time of the invention to modify Ishagaki, such that wherein the wireless telecommunication apparatus includes an input button, coupled to the processor, for initiating a customer support call or local help function when the user actuates the input button, to provide means for the user to find/get help as they desire when performing various functions/applications.

As per **claims 2 and 4,** the combo teaches claim 1 wherein the four-way joystick or keypad includes an associated selection button to generate the selection, wherein the multiple icons or commands are associated with functions performed by an electronic mail, electronic messaging or calendaring application executed by the processor (See **Ishigaki** who shows functions for at least email and/or **Allard** who teaches email, calendar, directory, address book, etc.. C1, L40-51), and wherein the additional information gathered includes at least two of the following:

While Jarnstrom shows

local and home location current times (figure 3a, #50 shows time), name of new network service provider when accessing a new wireless network (figure 3a, #40 shows service provider), loss of certain functionality when accessing a new wireless network, wireless service plan balance, expiration date of a certain wireless service component,

number of wireless service minutes used, number of wireless service minutes remaining, number of SMS messages sent, or number of SMS messages permitted or remaining under the wireless service plan.

As per **claim 3,** the combo teaches claim 1, further comprising: an automated data collection device, a biometric reader, or media output device coupled to the processor (Ishigaki teaches a transceiver #18 which can receive data as can an infrared I/O section, #28. Stuckman teaches an Audio Input/Output device #14/#16 and Jarnstrom teaches automatically receiving/displaying both received signal strength and service provider name in figures 3a).

As per **claim 5,** the combo teaches claim 1 wherein the four-way joystick or keypad includes an associated selection button to generate the selection, wherein the multiple icons or commands are associated with functions performed by an electronic mail, electronic messaging, word processing, spreadsheet, calculator, contacts, or calendaring application executed by the processor (the prior art teach at least a keypad or up/down arrow to navigate/select a function-or-operation desired by the user, to include email, calendar, appointments, directory, address book, etc., see(See **Ishigaki** who shows functions for at least email and/or **Allard** who teaches email, calendar, directory, address book, etc.. C1, L40-51).

As per **claims 7 and 15-18,** the combo teaches claim 1/14 wherein the input button is a dedicated button on the wireless telecommunication apparatus, or is a dual-function keypad button that initiates the customer support call or local help function when the user actuates and holds the dual-function keypad button (the HELP button taught by Stuckman or Allard is a dedicated button but the prior art also teaches soft key's which can be a dual-function button for HELP as is known in the art).

With further regard to claim 17, the examiner takes **Official Notice** that it is well known in the art to press/hold a button in order for it to be used for two different purposes (eg. the different lengths of time the button is pushed/held can indicate a first or second function, a quick push is interpreted as one function while a long push/hold is interpreted as a second function -- many phones use the SEND key to make a phone call while holding the button down for a longer period of time will turn the phone On/Off).

As per **claims 19-20,** the combo teaches claim 14 **but is silent on** wherein the button means includes a dual purpose common button on the mobile device, and wherein actuation of the common button launches a menu display that includes the indication of customer support functions **OR** wherein the means for displaying includes means for displaying, on the mobile device, a menu identifying customer support functions for the mobile device.

The examiner notes that Jarnstrom teaches a MENU button (figure 3a, #55).

The examiner takes **Official Notice** that the menu button (at least as taught by Jarnstrom) can be used to spawn either a direct link to customer support and/or a list of functions to receive help on, eg. note that Microsoft has a HELP function which is searchable hence one can also provide a listing/menu of the help topics/areas.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the button means includes a dual purpose common button on the mobile device, and wherein actuation of the common button launches a menu display that includes the indication of customer support functions **OR** wherein the means for displaying includes means for displaying, on the mobile device, a menu identifying customer support functions for the mobile device, to provide means for using

either one softkey (or a dedicated key) to provide customer service functions and to provide a menu of help topics.

Claims 28-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Ishigaki/Stuckman/{Allard **or** Jamstrom} and further in view of Johnson.

As per **claim 28,** the combo teaches the claim as shown in claims 1/14 above **but is silent on** displaying additional information associated with an account of the wirless device so that it may be readily perceived by the wireless subscriber without input/requesting.

Johnson teaches a mobile phone method that gathers/displays the user's prepaid balance:

[0011] In accordance with one embodiment of the invention, a method of providing prepay balance information to a wireless service subscriber's mobile station comprises sending a registration message to initiate registering the mobile station; receiving a message containing information indicative of the subscriber's current prepay balance; and displaying said information on a display associated with said mobile station.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that it displays additional information associated with an account of the wireless device so that it may be readily perceived by the wireless subscriber without input/requesting, to provide means for the user to view account information (such as remaining minutes/balance) before making a call.

As per **claim 29,** the combo teaches claim 28 **but is silent on** receiving input from the wireless subscriber to call a customer service number before the automatically gathering of additional information.

The examiner notes that the ability for a user to make a call to customer service can occur at any time (eg. before, during or after gathering of any additional information), hence the examiner takes **Official Notice** that a user can press the HELP

button (as taught by the prior art) at any time and thusly perform this operation before, during or after gathering of additional information.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that it receives input from the wireless subscriber to call a customer service number before the automatically gathering of additional information, to provide means for allowing a user to connect to customer service/help before or during or after various network information is gathered.

Allowable Subject Matter

Claim 6 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is not found/taught in the prior art of record:

claim 6: "...wherein the processor is further programmed to: display a new screen of data, and automatically highlight the one of the multiple icons or commands previously selected, and if a particular one of the multiple icons or commands is highlighted, then a select button or switch on the four-way joystick or keypad to be temporarily reconflgured to have an equivalent function of a center action button of the four-way joystick or keypad".

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is found in the PTO-892 as well.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis West can be reached on 571-272-7859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen M. D'Agosta/
Primary Examiner, Art Unit 2617